

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION

HILLCREST BANK, )  
                        )  
Plaintiff/Counterclaim Defendant, )  
                        )  
                        )  
                        )  
v.                      )              Case No. 10-cv-00967-DGK  
                        )  
JACK H. CORDSEN, *et al.*, )  
                        )  
Defendants/Counterclaimants. )

MOTION TO SUBSTITUTE PARTY PLAINTIFF

COMES NOW Hillcrest Bank, N.A. (the "Acquiring Bank"), and for its motion pursuant to Rule 25(c), Fed. R. Civ. P., seeks substitution of the Acquiring Bank as plaintiff in this action for Hillcrest Bank, a state bank (the "State Bank"), in support of which it states:

1. This action was commenced on October 4, 2010, by the State Bank to recover upon various loans and guaranties executed by Defendants. *See Docket No. 1.*

2. On October 22, 2010, the State Bank was closed by regulatory authorities and certain of its assets, including the subject loans and guaranties, were transferred to the Acquiring Bank by the Federal Deposit Insurance Corporation (the "FDIC"), as receiver of the State Bank. The purchase agreement is a public record of the FDIC.

*See* [\*http://www.fdic.gov/bank/individual/failed/hillcrest\\_ks.html\*](http://www.fdic.gov/bank/individual/failed/hillcrest_ks.html).

3. Because of this transfer of interest in the loans and guaranties that are the subject of this action to the Acquiring Bank, the Acquiring Bank seeks to be substituted as the plaintiff in this action.

4. The Acquiring Bank does not hereby assume any liability for the counterclaims brought by Defendants against the State Bank in the answer and counterclaims filed by Defendants on November 24, 2010, after the closing of the State Bank. *See Docket No. 15.*

Respectfully submitted,

STINSON MORRISON HECKER LLP

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ATTORNEYS FOR HILLCREST BANK, N.A.

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing was served upon Defendants via ECF notification to their counsel of record, David L. Zeiler of Mitchell & Associates, L.C., 1600 N.E. Coronado Drive, Ste. 242, Blue Springs, Missouri 64014, and upon Hillcrest Bank via ECF notification to its counsel of record, Kelly A. Campbell of Spencer Fane Britt & Browne LLP, 1000 Walnut Street, Ste. 1400, Kansas City, Missouri 64106-2140 on this 10<sup>th</sup> day of December, 2010.

/s/ Mark S. Carder  
Attorney for Hillcrest Bank, N.A.